

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

05 MBD 10025

**JOINT MOTIONS TO EXTEND PERIOD WITHIN WHICH INDICTMENT  
OR INFORMATION MUST BE FILED AND FOR EXCLUDABLE TIME**

The parties hereby move the Court, pursuant to 18 U.S.C. §3161(b) and 18 U.S.C.

§3161(h)(8)(A), for an Order that extends the period within which an Indictment or Information must be filed from the current deadline of January 19, 2005 until February 23, 2005. As grounds, the parties state that defendant in this arson case (Case No. 04-mj-00555-RBC) made his initial appearance before the Court on December 20, 2004. Pursuant to the Speedy Trial Act, 18 U.S.C. §3161(b), an Information or Indictment must be filed within 30 days of the defendant's initial appearance, or by January 19, 2005. The parties are engaged in discussions that may lead to early resolution of this case. The parties require additional time to complete these discussions.

Because the delay resulting from the requested extension of time would serve the ends of justice and outweigh the best interest of the public and defendant in a speedy trial, the parties move that the period

of the delay be deemed excludable time pursuant to 18 U.S.C. § 3161(h)(8)(A).

Respectfully submitted,

JORDAN MCCARROLL  
By his Attorney

/s/ George F. Gormley

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The parties hereby move the Court, pursuant to 18 U.S.C. § 3161(c)(1) and 18 U.S.C.

§ 3161(d)(2)(A), for an order that counts the period between when the complaint was filed and the date of trial from the current deadline of January 15, 2005, to January 15, 2005, plus one day, or until the date of trial is set by the Court.

Defendant, on December 1, 2004, filed a Motion to Dismiss, which was denied on December 15, 2004.

Plaintiff filed a Motion for Summary Judgment on December 15, 2004, which was denied on December 22, 2004.

Indictment was returned on January 15, 2005, and Plaintiff filed a Motion for Trial Date on January 15, 2005. The parties and the Court discussed the need to add an additional day to the trial date, due to the additional time required to collect evidence. The Court agreed to add an additional day to the trial date.

Because the trial date has been moved, the parties have agreed to extend the period of time available to Plaintiff to file a Motion for Trial Date, and Plaintiff will file such motion on January 15, 2005, and the Court will rule on the motion at that time.